

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ABEL RAMIREZ SANCHEZ
Plaintiff,
-against-

FURNITURE ENT. INC (DBA FURNITURE CENTER)
and
DANIEL ROZEN (AKA DAN ROZEN)

Defendants.

ECF CASE 22-CV-2284

STIPULATION AND ORDER OF DISMISSAL

IT IS HEREBY STIPULATED AND AGREED, by and between the parties in the above-captioned action, through the undersigned counsel as follows:

1. Paragraph 9 of the Settlement Agreement executed by the parties dated July 6, 2022, (the "Agreement") entitled "Covenant Not to Sue", shall cover only Fair Labor Standards Act and New York Labor Law claims against Defendants up to and as of the date of the execution of the "AGREEMENT and RELEASE" and not prospectively.
2. Paragraph 3(b) of the Agreement shall be amended as follows:

Plaintiff shall receive from Defendants, and Defendants shall file with the Internal Revenue Service, a Form 1099 reflecting payment to Plaintiff of that portion of the Settlement Funds designated to Plaintiff which was received by him in the prior calendar year. Plaintiff shall be responsible for paying all Federal, State, and local taxes, if any, in connection with that 1099 portion of the Settlement Funds which was received by him. Plaintiff's counsel shall provide to Defendants' counsel a current address for Plaintiff for purposes of mailing IRS Form 1099 as described above, along with IRS Form W-9, executed by Plaintiff. If Plaintiff does not provide a social security number or TIN number along with an IRS Form W-9, Defendant shall make automatic backup withholdings for the portion of the Settlement Funds paid to Plaintiff.

A copy of this Stipulation shall be deemed as valid as an original.

Dated: August 2, 2022

Dated: August 2, 2022

Lina Stillman, Esq.

Matthew A. Brown, Esq.

By: Lina Stillman, Esq

By: Matthew J. Farrow

SO ORDERED THIS ____ DAY

OF _____, 2022

_____, U.S.D.J.